

# Notice of Allowability

Application No.

09/990,972

Examiner

Dennis G. Bonshock

Applicant(s)

AUER ET AL.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 10-06-2005.
2. ☒ The allowed claim(s) is/are 1-8 and 11-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Jack Schwarz, on January 12, 2005.
3. The application has been amended as follows:
4. Please replace line 23, of claim 8, with  
*-- display of a medical parameter associated with said second of said medical parameter labels --*
5. This amendment clears up an obvious misprint issue, and places claim 8 in a form that more closely resembles the other independent claims.

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The examiner considered the Applicant's Amendment filed on 10-06-2005, and after updated search, no other prior art of record has taught that which was presented in the amended claims.
3. Therefore, amended claims 1-8 and 20 are allowable.
4. Independent claims 1, 8, and 15, when considered as a whole, are allowable over the prior art of record. The prior art of record (Schoenberg, Patent No.: 6,322,502)

Art Unit: 2173

teaches a networked system for providing medical data in a time indicated form, with user changeable settings, including a menu for selecting parameters to be displayed in tabular and graphical views (see in column 7, lines 22-43, column 4, line 5, and in figure 2A); a menu allowing for selection of medical parameter labels, which provide an associated set of medial parameters, where the measured characteristics displayed are selectively determined by the user (see column 7, lines 13-22, lines 36-43, and in figure 2A); the offering to the user of up to four simultaneous displays where each of the data sets can be displayed in a variety of formats including graphical, tabular, bar chart, and pie charts formats, with or without split screen; each capable of displaying user selected medical parameters (see column 7, lines 22-36); the users ability to view medical graphics in exclusively graphic-only, exclusively tabular-only, or graphic/tabular display forms (see column 6, lines 38-41); and, the display of only graphical data or only tabular data where selection of elements is made via icons on a respective menu bars (Vital, Resp., Hematology, Validate), and through selection of a parameter icon, providing the graphical (and/or tabular) representation of the selected parameter to be displayed (see column 7, lines 22-43, and in figures 2A and 2B). However, specifically the prior art of record fails to clearly teach or support the limitation of a single menu using parameter selection icons for use in selecting medical parameter labels from said menu to displaying in a first window a first medial parameter exclusively in graphical format and in a second windows displaying a second medical parameter exclusively in tabular format.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

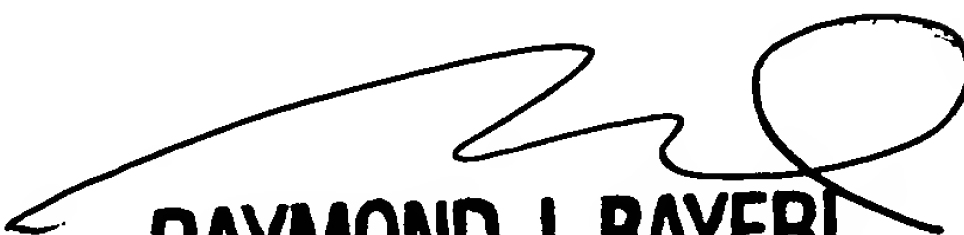
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1-12-05  
dgb



**RAYMOND J. BAYERL  
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